

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CURTIS McDANIEL,

Plaintiff,

-against-

THE PEOPLE OF THE STATE OF NEW YORK, et  
al,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 12/16/2021

1:19-CV-7680 (AJN) (KHP)

ORDER

CURTIS McDANIEL,

Plaintiff,

-against-

NYC FIRE DEPARTMENT, NYC POLICE  
DEPARTMENT, JOHN and JANE DOES 1-7,  
CITY OF NEW YORK,

Defendants.

**KATHARINE H. PARKER, United States Magistrate Judge:**

Pursuant to a case management conference today, the Court was informed that service of Plaintiff's Fourth Amended Complaint has not yet been executed on Defendant Rosanna Espinal or Defendant Judy Biondolillo. While the Court acknowledges that its previous order provided the U.S. Marshal's with a 90-day deadline from October 15, 2021, the Court respectfully requests that the U.S. Marshal's serve these Defendants before December 31, 2021 if at all possible because all other defendants have been served.

The following addresses were provided for purposes of service of process:

Police Officer Rosanna Espinal, Shield No. 23019  
New York City Police Department  
23rd Precinct  
162 East 102nd Street  
New York, NY 10029

Sergeant Judy Biondolillo, Shield No. 3229  
New York City Police Department  
Housing Bureau P.S.A. #5  
221 East 123rd Street  
New York, NY 10035

Because Plaintiff has been granted permission to proceed *in forma pauperis* ("IFP"), he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the Court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP). Accordingly, the Clerk of Court is respectfully requested to issue a summons as to the above-listed Defendants, and the Marshalls are directed to serve the Fourth Amended Complaint on the above-listed by

**December 31, 2021.**

**CONCLUSION**

To allow Plaintiff to effect service on all Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of the Defendants for whom an address was provided above. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

The Clerk of Court is directed to mail a copy of this order to Plaintiff.

**SO ORDERED.**

Dated: December 16, 2021  
New York, New York

*Katharine H Parker*

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KATHARINE H. PARKER  
United States Magistrate Judge

**The Clerk of Court is requested to mail a copy**  
**of this order to:**

**Curtis McDaniel  
DIN # 20-A-0242  
Bare Hill Correctional Facility  
Caller Box 20  
181 Brand Road  
Malone, NY 12953**